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No. 319] NEW DELHI, THURSDAY, JUNE 13, 1957/JYAISTHA 23, 1879

ELECTION COMMISSION INDIA NOTIFICATION

New Delhi, the 1st June 1957

S.R.O. 1985.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 310 of 1957, presented to the Commission on the 26th April, 1957 under section 81 of the said Act, by Shri Motilal, son of Jugal Kishore, Ward No. 12 Guna, Madhya Pradesh, calling in question the election to the House of the People from the Guna constituency of that House of Shri Maharani Vijay Raje Shinde, wife of His Highness Jivaji Rao Shinde Usha Kiran Palace, Lashkar, Gwalior.

Presented to me by Shri Moti Lal whose signature has been obtained in the margin and attested as having been signed before me this the twenty sixth day of April One Thousand Nine Hundred and Fifty Seven.

Sd. DIN DAYAL,
26-4-57.

Under Secretary,
Election Commission, India.

Sd. MOTILAL ATTESTED

Sd. DIN DAYAL

26-4-57.

ELECTION PETITION NO. 310 OF 1957

BEFORE THE ELECTION COMMISSION OF INDIA, NEW DELHI

Motilal son of Jugal Kishore.

Ward No. 12, Guna (Madhya Pradesh) Petitioner.

Versus

Maharani Vijay Raje Shinde wife of His Highness Jivaji Rao Shinde, Usha Kiran Palace, Lashkar, Gwalior.

Petition under Section 80 of the Representation of People Act 1951

The Petitioner Respectfully Showeth:

1. That the Petitioner is a voter, his electoral Roll. No. being Guna Parliamentary Constituency, Guna Assembly Constituency Guna Town, Ward No. 12, Serial No. 463. He is therefore entitled to present this Petition.

2. That by this Petition the Petitioner is seeking a declaration that the election of the Respondent to Lok Sabha from Guna Constituency be declared void.

3. That the election was contested by Shri Vishnu Ghansham Deshpande and the Respondent and the votes polled were as under:

Shrimati Vijay Raje Shinde	1,18454
Shri Vishnu Ghanesham Deshpande	58550
Total number of votes polled	177092
Forfeited votes	123

4. That the polling in the said constituency took place on 25th Feb, 28th Feb., 2nd March, 3rd March, 6th March and 8th March 1957 and the result was declared on the 12th of March 1957.

5. That the following candidates filed their nomination papers.

1. Vishnu Ghanesham Deshpande of Hindu Mahasabha, Reading Road, New Delhi.
2. Vijay Raje Shinde wife of Jivaji Rao Shinde, Usha Kiran Palace, Lashkar, Gwalior.
3. Shri Brij Narain.
4. Prakash Veer Shastri of Chandausi, Uttar Pradesh.
5. Nathulal of Guna Madhya Pradesh.
6. Babulal Gupta of Shivpuri, Madhya Pradesh.
7. Raja Malbhadar Singh of Raghogarh, Madhya Pradesh.
8. D. K. Jadav of Lashkar.
9. Lakshman Singh of Asok Nagar.
10. Ram Singh of Maqsudanpur.

Out of those ten candidates seven candidates withdrew in proper time and in proper manner.

6. That the Election of the respondent is bad and void on the following technical grounds:

(a) Shri Brij Narain sent his notice of withdrawal through a messenger Ram Swarup Verma of Sheopur, to be delivered to Shri V. G. Deshpande who is the General Secretary of All India Hindu Mahasabha. The withdrawal was not intended to be delivered to the Returning Officer but was sent to Shri Vishnu Ghanesham Deshpande for taking the decision and in case he took a decision that Shri Brij Narain should withdraw from Guna Constituency it was to be delivered through the proper agency. The proposer who is the Petitioner was to present it to the Returning Officer. The last date for withdrawal was 4th Feb. 1957. Shri Ramswarup Verma came to Guna. He found that Shri Deshpande was not there. He presented the withdrawal to Returning Officer against the instructions of Brij Narain and without reference to the Petitioner, Shri Ram Swarup Verma was neither the proposer nor the election agent of Shri Brij Narain. The Returning Officer illegally accepted the withdrawal and made the following entries in the notes of withdrawal.

"This notice was delivered to me at my office at 2-50 P.M. 3rd Feb. 1957 by Shri Ram Swarup Verma (the candidate's agent)."

In fact it was decided by Shri Deshpande after consulting the Hindu Sabha Election Committee that Shri Deshpande should withdraw from the Guna constituency and Brijnarain should contest. That Shri Deshpande arrived at Shivpuri on the 4th February 1957 and was informed that Shri Brijnarain's withdrawal had taken place and hence he could not withdraw from the contest in Guna and withdrew his form from Shivpuri. Shri Brijnarain belongs to Guna District and Shri V. G. Deshpande is an outsider and propaganda to that effect was also made. Shri V. G. Deshpande had filed his nomination papers both from Shivpuri and Guna Constituencies. The withdrawal of Shri Brijnarain was illegal, wrong and contrary to the provisions of Representation of People Act 1951 and the Rules made thereunder. The result of the Election has been materially affected thereby. In this connection the Petitioner craves leave to refer to a letter written by Shri Brijnarain to Shri Vishnu Ghanesham Deshpande.

(b) That Shrimati Vijaye Raje Shinde respondent filed her nomination paper on the 29th of January 1957. Blank forms were signed by her at Gwalior and rushed to Guna on the 29th of January 1957. By Motor Car at 1-30 P.M. in Dak Bungalow Guna voters were called and asked to sign as proposers. Shri V. G. Deshpande raised an objection at the scrutiny on the 1st February, 1957. He made an affidavit alleging above mentioned facts but the Returning Officer overruled the objection. The nomination of the Respondent consequently was not valid and proper and ought to have been rejected. Her nomination paper not being in accordance with the provisions of Representation of People Act 1951 and the Rules made thereunder the respondent is not a validly nominated candidate. This non-compliance with the provisions of the Act has materially affected the result of the election.

7. That the Guna Lok Sabha Constituency consists of six Assembly constituencies namely Chachora, Guna, Asoknagar, Bhilsa and Kurvi and Saroj. The Congress had set up the following candidates for these constituencies.

1. Shri Sagar Singh.
2. Shri Daulat Ram.
3. Shri Ram Dyal Raghuvanshi and Dunichand.
4. Ajay Singh and Hira Lal Pipal.
5. Takhat Mal Jain respectively.

The Canvassing of the Assembly candidates and the Lok Sabha candidate was done jointly and the assembly candidates contested the election on the strength of the Respondent Maharani Vijaye Raje Shinde and His Highness Jivajirao Shinde. The Lok Sabha Candidate on Congress ticket and Assembly candidates on Congress tickets were agents of each other.

8. That the Election of the Respondent is bad, illegal and void and the respondent stands disqualified also for the following reasons:—

UNDUE INFLUENCE

There was direct and indirect interference on attempt to interfere on the part of the candidate and/or her agents and of other persons with her consent with the free exercise of electoral rights of the voters or electors of the said Constituency. In any event the election is void in as much corrupt practices have been committed by the returned candidate or his election agent or other persons with the consent of the respondent or her agents.

9. In any event the result of the election so far as it concerns the returned candidate has been materially affected by corrupt practice committed in the interest of the returned candidate by persons other than the candidate on her election agent or persons acting with the consent of the candidate or her election agent. Particulars are given below.

10. That the respondent and His Highness Shri Jivajirao Shinde the husband of the respondent and her agent acted in a manner and utilised their position and status to influence unduly the voters and the same affected the free exercise of electoral rights of voters.

11. That the Constituency was flooded with different pamphlets with the portraits of the Ex Ruler of Old Gwalior State of which the Guna Constituency forms a part. Portraits of His Highness Jivajirao Shinde in Darbar Dress of the old Gwalior State with all the royal insignia were printed on an art paper and distributed in lakhs throughout the constituency. Handwritten messages of the said Jivajirao styling himself as Maharaja were also printed in these handbills. Tours of the Respondent Vijaye Raje Shinde and Jivajirao were arranged with great pomp and show throughout the constituency. Gates were erected, the roads were decorated and the cries 'Long live Maharaja and Maharani' were shouted and huge crowds collected for the Darshan of Maharaja and Maharani. Cars with number plates of Gwalior State were used for the election. The object was to create the impression that Shri Jivaji Rao was and is still a King (enjoying the powers of a sovereign) and his rulership would be restored if people voted for his wife. Some of the details of the tours of Maharaja and Maharani are given below:

(a) Shrimati Vijaye Raje Shinde visited Asoknagar on the 17th and 18th Feb. and a big Darbar was held there and Guna Constituency. His Highness and Maharani visited Guna on the 22nd Feb. and 2nd March and Maharani visited Kumeri Bhadora Patai, Miana, Garha Sujakher Jhagar Bane Suha Makhora Fateh Garh, Lalni Bhora Rampur Kalony and Dhumale Manuapur Pamori Rampur Panchora and Rajgarh in Bhilsa constituency. She visited Bhilsa and Basoda. In Kurvai she visited Kurvai and many other places. She also visited Seroj in Chechora. She visited Veena Gan Magsudan Garh.

(b) The details of four pamphlets out of many pamphlets mentioned above are given below:

(i) One in the handwriting of Jivaji Rao Shinde and styling himself as Maharaja of Gwalior was printed in Lok Bala Press Lashkar and was published by his Hinghness Jivaji Rao Sinde which contains the following appeal in Hindi
 "For the progress of the country and for the welfare of the people cast your vote in the box of Congress candidates of your constituencies with symbol of pair of bullocks...." (Jivaji Rao Shinde Maharaja of Gwalior.)

(ii) An art paper portrait of His Hinghness Jivaji Rao Sinde in Darbar Dress of Gwalior Raj with the heading "Shrimant Maharaja Jivajirao Shinde ki Matdataon Se Hastlikit Appeal (his message in his own hands) was printed in Modern Press and was published by Shri Jivaji Rao Shinde, i.e. The Respondent's husband the Maharaja.

(iii) Pamphlet with the heading "Janta Ke Kartvya Palanka Amulya Avsar was printed in Nutan Press Lashkar and published by Shri Jivaji Rao Shinde. This pamphlet deliberately attempted to create a wrong impression in the minds of illiterate voters that Maharaja and Maharani Shinde are prepared to observe their duty of Kingly Religion (Raja Dharma) and in the same manner you should also demonstrate that you will be behind none in following your duties of subject religion (Praja Dharma). Shrimati Vijaye Raje Shinde is standing as a Congress Candidate. By voting for her and making her successful demonstrate your devotion to King and shall be the ideal of observing Subjects' Religion (Praja Dharma).

Lakhs of copies of these pamphlets were distributed by her election agent Shri Ram Sahay and agents. Shri Vijay Vargiya, Shri Takhat Mal Jain, Shri Ajay Singh and Shri Hira Lal Pipal, Shri Ram Dayal, Shri Duni Chand, Shri Daulat Ram and Shri Sagar Singh and large number of workers with the consent of the respondent and her election agent in every village throughout the constituency. While distributing the pamphlet the respondent and her agents and other workers told the voters that Maharaja is a King and disobeying would be an act of treason. All the above mentioned pamphlets were published and distributed with the consent of the respondent. By these tours, pamphlets and propaganda the free exercise of the electoral rights was seriously interfered with. In any event the result of the election has been materially affected. The pamphlets were printed, published and distributed by and with the consent of the respondent and/or her agents and constitute undue influence as defined in section 123(2). The result of the election has also been materially affected. The pamphlets are annexed hereto and marked.

(iv) Pt. Hari Narayan Sharma a religious preacher and a propagandist and active member of the Village Primary Congress Committee of Bandraota (Kurvai). He was Respondent's agent and acted with the consent of Respondent or her Election Agent. He got printed a pamphlet with the title 'Janta Janardan Se Satya Dharmik Nivedan' at Bharat Printing Press Sagner the printing expenses were paid by the Election Agent of the Respondent. This pamphlet was distributed by said Harinarayan, Nathulal, and other workers of Respondent with the consent of the Respondent and/or her Election Agent in Bishanpur, Kurvai, Kulhar Pathari on 9th Feb. 1957, 14th Feb. and 21st Feb. 1957 respectively and from the date of publication to the date of Election it was distributed by said Hari Narayan and others at different places in Kurvai constituency including Bandraota, Bhal Bamora Dugharaoi and all other big villages in the constituency, with the consent of the respondent and/or her election agent.

The whole pamphlet is objectionable but the following passages and sentences are particularly objectionable:

"Those Hindus (Arya) who do not act according to our scriptures and God's orders, are not regarded as truly religious and they are "Kalyugi Vanahkar" and they are Traitors to the society anti-religious and Greatest enemy of God's orders."

"....For this reason the present Government (Congress) is manifestation of God. The orders of the Government are God's injunctions. It is the duty of every Hindu (Arya) to follow the order of God. Those men who act against the scriptures of our society they and their progeny can never enjoy any happiness.....

For this reason whenever 'Giani' (hatred) is spread completely by men full of hatred, God Manifests himself for the establishment of that religion (love). Brothers think, our Congress organisation today is a society of unity and love is expressed through unity alone and where there is love there is unity and where is unity there all powers are present there alone is (all happiness) Ours and Yours Congress of today, on account of their following the path shown by the above scriptures and words of God and because our rulers are able and well wishers of the people and are religious souls (Dharmatma) God has loved the Kingly powers (Rajya Shree) upon them."

".....And it is also true that their associates, themselves (Hindusabhaits) and their descendants etc. will have one day to suffer miseries through the unseen peal laws of God. Because on such made of it....."

"I therefore make a submission to the people who are an incarnation of Janardan with folded hands that they should not be deluded by slanders and traitors to others and by voting for Congress which is the gift of the great compassion of the justice loving God should obey the orders of God and thereby make their dear progeny happy and prosperous. Congress Government which is the gift of God alone can fulfill your desires.

The original pamphlets are annexed hereto and marked (A) collectively."

12. Systematic Appeal on the ground of caste community and Race.—

That the Respondent and her agent and other supporters with the consent of the Respondent made a systematic appeal to vote for Respondent on the ground of caste. On 23.2.1957 the respondent got published a handbill with 'Oza Samaj Mandal Guna Ka Subh Sandesh'. At any rate this pamphlet was published by B. P. Oza with the consent of the Respondent's election agent. This pamphlet was distributed by Anandilal, Balkrishna, Shri B. P. Oza with the consent of Respondent's Election agent at Guna on 24th and 25th Feb. 1957. The pamphlet appeals to all 'Urban and Rural Oza Brothers to vote for Maharani Shinde and other fit Congress candidates. All the abovementioned corrupt practices have materially affected the results of the elections. The pamphlet is annexed hereto and Mark 'B'.

13. Bribery—

- (a) Shri U. N. Dhebar President of the Indian National Congress with the consent of the Respondent offered one Mr. C. A. Jadav who was a candidate to the election and promised to get him elected to the Legislative Council of the Madhya Pradesh if he withdrew his candidature in favour of the respondent. This was done by Shri Dhebar between 29th Jan. and 4th Feb. 1957. Correspondence took place and in addition to a press statement to that effect was also made by Shri Dhebar. At any rate this offer or promise has materially affected the results of the election.
- (b) One Sardar C. S. Angre of Lashkar who is a member of Indian National Congress and agent of the respondent and a near relative of the husband of the respondent made an offer with the consent of the Respondent to Shri V. G. Deshpande, Shri Niranjan Verma, Shri Vrindavan Prasad Tiwari, Shri Mahant Digvijay of Gorakhpur on behalf of the respondent that Rs. 1 lakh would be given to Hindu Mahasabha for election purpose by Smt. Vijaye Raje Shinde

for election purposes in consideration of withdrawal of Shri Vishnu Ganesham Deshpande's candidature. This he did continuously since 29th Feb. 1957 to 10th of March 1957. The last date of retiring. For this purpose he came to Guna on the 4th Feb. and stayed in Dak Bungalow and invited Shri Deshpande, Mahashe Motilal, Shri Tiwari and S. Hari Singh Chairman of Guna Municipality and again made an offer of bribe one hour before the expiry of time for withdrawal. He also went to Gorakhpur and again made the offer to Mahant Digvijay Nath Mahant Digvijay, and Shri Deshpande are members of Election Committee of Hindu Mahasabha who had power regarding the candidature of Hindu Mahasabha candidates.

(c) That the Respondent in her tour at Miana on 21st Feb. Magrora and Kalony Jhagar and other places on 23rd and 24th Feb. distributed money to voters with the object of including them to vote for the respondent.

14. Return of Expenses.—

(a) The Return of expenses submitted by the Respondent are false in material particulars and the actual expenditure incurred and/or authorised was in contravention of section 77 of the Representation of People Act 1951 and Rules made thereunder. The expenditure incurred exceeded the limit prescribed under R. P. Act 1951 and Rules made thereunder.

(b) The aeroplane expenses incurred by the Maharaja Jivaji Rao Shinde husband and agent of the Respondent with her consent are given below:

I.A.C. Chartered

Date	From	To	Remark
27/1/57	Delhi	Gwalior	Heron Rs. 500/-
10/2/57	Delhi	Gwalior	Heron Rs. 5000/-
22/2/57	Bombay	Gwalior	Dackota Rs. 6000/-

His Highness Rane

Date	From	To	Remark
4/2/57	Bombay	Gwalior	Rs. 1500/-
5/2/57	Bombay	Gwalior	„ „
9/2/57	Indore	Gwalior	„ „
10/2/57	Bombay	Gwalior	„ „
15/2/57	Bombay	Gwalior	„ „
21/2/57	Bombay	Gwalior	„ „

These aeroplanes were used for the furtherance of election prospects of Respondents. Two instances are that Shri Morar Ji Desai and Shri S. E. Patil were brought to Guna for addressing public meeting in furtherance to the election prospects of the respondent.

(c) The respondent purchased jeeps worth 80,000 rupees for election purposes. Two jeeps were purchased from Dada Dhakji of Bombay for about 25000. Two jeeps were purchased from Bahuram Dikshit for Rs. 8000. One jeep was purchased from Pritam Singh for Rs. 6000. One jeep was purchased from Shri Ramautar Contractor of Lashkar. All these jeeps many other cars were purchased in Other's name but the money was paid by the candidate. The respondent also purchased 250 brand new cycles.

(d) The respondent initially supplied Rs. 4 thousand to each of the assembly candidates who were contesting the election in the territory of her constituency.

15. That the corrupt practices mentioned herein above were committed by the respondent or with her consent or with the consent of her election agent and were committed in the interest of the respondent and they have materially affected the result of the election.

16. The receipt depositing Rs. 1000 in the Reserve Bank of India No. 91208 dated 25th April 1957 is annexed hereto.

It is therefore respectfully prayed that (a) the election of the respondent to be declared void; (b) costs of the Petition.

(Sd.) ILLEGIBLE

Verification

I Moti Lal above named do hereby state and declare that the contents of paragraphs 1, 2, 3, 4, 5, 6(a) partly 7, 11, 11(a) Part marked A to A, 11(b), 12, 13(b), 15 and 16 are true to my knowledge, contents of paragraphs 6(a) partly are true to my information received from Shri Vishnu Ghansham Deshpande and from Brij Narain, contents of paragraph 6(b), 11(a) except Part A A, 13(a) are true to my information received and believed to be true, contents of paragraphs 13(b), partly 13(c) information received from the voters, 14(b), 14(c) and 14(d) are true to my information received and believed to be true, while the contents of paragraphs 9, 10, 8, 14(a) are by way of submission to this Tribunal. Verified by me at Delhi this 26th day of April 1957.

Hindi documents marked 'A' and 'B' of the petition are not published.

Sd. ILLEGIBLE

[No. 82/310/57.]

By Order,

DIN DAYAL, Under Secy

